

**REMARKS**

Claims 7-34 are currently pending in this application. By this amendment, Claim 7 has been amended to correct a minor formality. Applicants respectfully request reconsideration of the outstanding claim rejections in view of the remarks to follow.

In the Office Action, Claims 7-9 and 22-24 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,356,387 to Sirbola. Sirbola discloses a needle guard assembly 24 mounted on a syringe 10. See FIGS. 1 and 2 of Sirbola reproduced below. Syringe 10 includes a barrel 12, a piston 18 and a hypodermic needle 22. Guard assembly 24 includes a forward annular member 26, a cap 28, a rearward annular member 30 and a resilient strip 32. Forward annular member 26 has an internal diameter sufficient to extend around hypodermic needle 22. Cap 28 is fastened to the end of forward annular member 26. Rearward annular member 30 is affixed to an exterior surface of needle 22. Resilient strip 32 is connected at one end to rearward annular member 30 and at the other end to forward annular member 26 so as to urge forward annular member 26 away from rearward annular member 30. A drawstring 38 has one end connected to forward annular member 26 and a second end connected to a button 42. Button 42 is slidably supported on a track 44 on the outer diameter of syringe body 12. Button 42 is movable rearwardly on syringe body 12 to move forward annular member 26 rearwardly. When button 42 is slid forwardly on syringe body 12, resilient member 32 urges forward annular member 26 forwardly beyond the end of needle 22.

FIG. 1

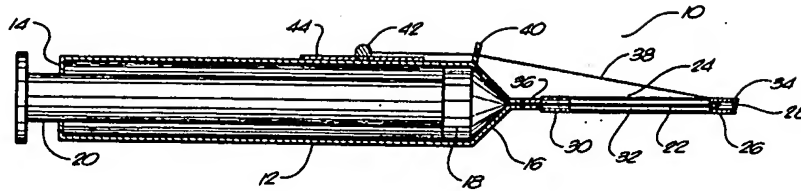
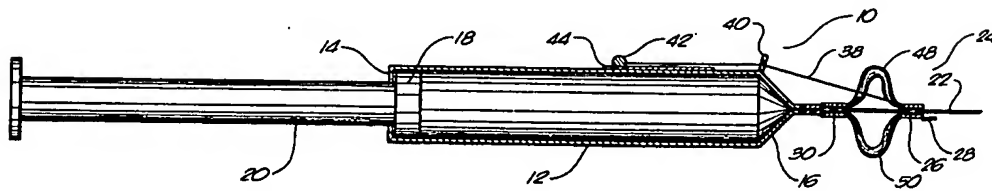


FIG. 2



Claims 7 and 22 are independent claims. Claim 7 recites a safety device comprising, inter alia, “a trigger supported adjacent to the proximal ends of the first and second legs (of the sheath portion), wherein the trigger is movable into engagement with the first and second legs to move the first and second legs from the first position to the second position.” Claim 22 recites a safety device which comprises inter alia, “a sheath portion...”, “a trigger supported adjacent to a proximal end of the first and second legs of the sheath portion...”, “wherein the sheath portion is movable from an extended position...to a primed position in response to movement of the trigger into engagement with the first and second legs...”. It is respectfully submitted that Sirbola does not disclose or suggest the safety device recited in Claims 7 or 22. More specifically, Sirbola’s needle guard assembly does not disclose a trigger which is movable into engagement with first and second legs of a sheath to move the first and second legs of the sheath from a first position to a second position. Contrary to the Examiner’s statement in the Office Action, neither spring 38

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nor button 42 of Sirbola's guard assembly is movable into engagement with the guard assembly to effect movement thereof. Rather, string 38 is secured to the forward annular portion 22 of Sirbola's needle guard assembly and can be pulled via button 42 to retract forward annular portion 26 about needle 22. For at least these reasons, independent Claims 7 and 22 patentably define over Sirbola. For at least these same reasons, Claims 8 and 9 which depend from Claim 7 and Claims 23 and 24 which depend from Claim 22 also patentably define over Sirbola.

Applicants gratefully acknowledge the Examiner's indication that Claims 10-21 and 25-30 would be allowable if rewritten in independent form and that Claims 31-33 are allowable over the prior art of record. However, since Claims 10-21 depend from Claim 7 and Claims 25-30 depend from Claim 22, Applicants do not believe further amendment of the claims at this time is necessary.

It is noted that the Examiner has failed to mention Claim 34 in this Office Action. Claim 34 depends indirectly from Claim 31 and is believed to be allowable.

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims pending in this application, namely Claims 7-34, are in condition for allowance. Should the Examiner feel that a telephone or personal interview may facilitate resolution of any remaining matters, he is respectfully requested to contact Applicant's attorney at the number indicated below.

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